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# Convention on the Elimination of All Forms of Discrimination against Women

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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
(CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Initial and second periodic reports of the States parties

Addendum

UGANDA

94-35945 (E) 171194

**ADDENDUM TO THE INITIAL AND SECOND REPORT BY THE GOVERNMENT OF UGANDA ON THE IMPLEMENTATION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN**

1.0 Introduction:

1.1 The Government of the Republic of Uganda as a State party to the Convention on the Elimination of All Forms of Discrimination Against Women of 1979, hereby submits in accordance with Article 18, an addendum to the initial and second report on the progress made in implementing the Convention.

1.2 The initial land second report was submitted to the Secretary General of the United Nations in 1992 and it covered the period ending December 1991. Therefore the Addendum provides information of changes which took place in the National legislation, policy and practice in the period from December 1991 to August 1994.

1.3 However, when evaluating the current situation, the following has to be noted:-

- At the time of compiling this addendum, the country is in the process of making a new constitution and some of the information given in this Addendum refers to parts of the draft consititution of the Republic of Uganda which is still being debated on by the Constituent Assembly.

- The final constitution, when passed, will affect the civil and political setting of the country.

## 2.0 PART 1

As reported in 1991, the main forcing towards stabilising Uganda's economy was the Structural Adjustment Programme as agreed on between the Uganda Government and World Bank.

### 2.1 Economy

As reported in 1991 the GPD growth rate continued to be reasonable after 1990, as detailed in Table 1.

| Year | GDP growth rate |
|---|---|
| 1989 | 6.6% |
| 1990 | 4.4% |
| 1991 | 2.6% |
| 1992 | 7.2% |
| 1993 | 4.0% |

**Source: Statistics Department, Ministry of Finance and Economic Planning**

Slower growth rates in later years are due to the low levels in the food crop production due to poor rains especially in 1993.

On the other hand Government has taken a policy of liberalisation in the Economy. Indicators of economic liberalisation in Uganda today include:-

(a) Public Enterprises Divestiture,
(b) Return of Asian properties to original owners
(c) Restructuring of the Public Service, and
(d) Overall reduction of Government expenditure

At the regional level there are significant moves to strengthen trade links within the sub-region through the creation of the Preferential Trade Area (PTA).

### 2.2 Ratification

Uganda ratified the Convention in July 1985. This was done without any reservations.

### 2.3 Organs of Government

Todate the Government of Uganda has three major organs of Governance which are:-

- The Executive
- The Legislature, and
- The Judiciary

The 1967 Republican Constitution gives a lot of powers to the executive president.
In order to moderate the executive presidential powers, the proposed Constitution distinctively defines the major organs of Governance.

2.4 The Legal System

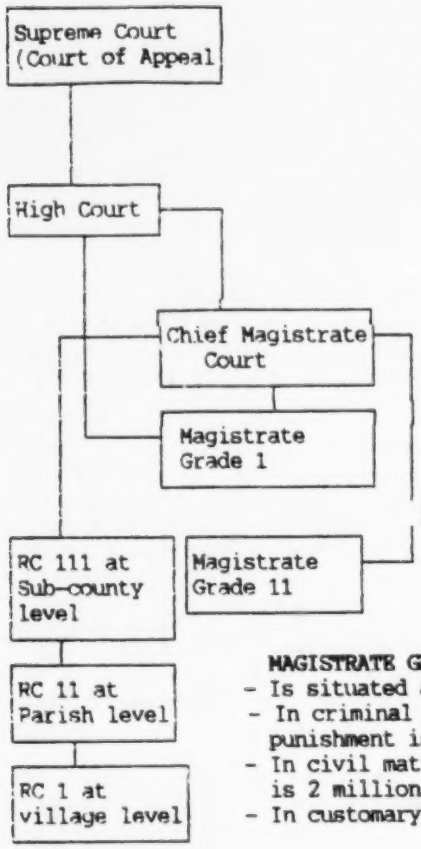
The organisational structure of the court system in Uganda is displayed in figure 1.

As can be seen from figure 1 the Court System is organised on both an informal basis at the lowest levels (grassroots) and highly formal courts running from the grade II magistrates court to the final court of appeal known as the Supreme Court.

The Informal Court is a three tier court system starting at the village level Resistance Council 1 (RC1) going through the parish and county levels at RC II and RC III respectively. Resistance Council Courts are informal courts established by the RC Judicial powers Statute of 1987. They do not handle criminal cases.

The formal court starts at the Grade II Magistrates court level. The Grade II Magistrates court is at the same level as the RC III court although it handles both criminal and civil cases. The district court is the Grade I Magistrates court and above it is the Chief Magistrates Court at Regional level. The next is is the High Court with either resident judges or high court circuits in lieu and next is and the final Court of Appeal known as Supreme Court of Uganda.

FIGURE 1: THE COURT SYSTEM IN UGANDA




**SUPREME COURT**

- Is situated in Kampala
- Cases decided by Chief Justice assisted by a deputy and four(4) other judges
- It is the highest court of Appeal
- The decisions they make are final except in matters where the President exercises the prerogative of mercy

**THE HIGH COURT**

- Situated in High Court Kampala with regional offices in Jinja, Mbale, Masaka, Mbarara and Fort Portal
- Sometimes they travel to hear all types of criminal, civil and customary matters

**CHIEF MAGISTRATE COURT**

- Situated at district level but can be responsible for more than one district.
- He/she heads and supervises all Grade 1, 11 Magistrates and RC 1, 11 and 111 in their areas
- Criminal jurisdiction extends to all cases except where punishment is death
- Civil jurisdiction is Sh.5 million or less
- In customary matters their powers have no limits

**MAGISTRATE GRADE 1**

- Is situated at the district level
- In criminal offences she/he can hear all except those where punishment is death of life imprisonment
- In civil matters she/he can hear all cases where dispute claim is 2 million shillings or less
- In customary matters, he/she their powers have no limit

**MAGISTRATE GRADE 11**

- Is situated at the County (saza) headquarters
- In criminal cases she/he cannot deal with crimes included in schedule 1 of the
- Magistrate Courts Act 1970
- In civil cases he/she can hear cases where the value of the matter in dispute is Shs.500,000 or less

**RC Courts must have a minimum of five executive members when sitting to decide a case.**

- They can sit and hear the following cases:
- Recovering a debt
- Contracts or matters concerning agreements
- Assault and battery
- Wrongful taking of another person's property
- Trespassing (value of claim must be Shs.5,000 or less)

**RC courts have unlimited powers in matters concerning customary law such as -**

- eloping with a girl under 18 years
- determining who a customary heir is
- customary bails
- disputes on customary land
- who a parent of a child is

In addition, the special courts in place include the General Courts Marshall for the Military and the Industrial Court of labour disputes arbitration.

2.5 Sources of Uganda Laws

The current binding constitution is the constitution of the Republic of Uganda (1967) and is the Supreme Law of the Land. All other laws/bye laws are subject to the Constitution. The other laws are the Statutory law enacted by Parliament, Common Law (1902), Statutes of General Application. In England as at 1902, Doctrines of Equity, and bye laws as enacted by the District Resistance Councils / or local authorities and customary laws as they apply to various communities.

2.6 Constitutional Making Process

The first Constitution of Uganda was the Independence Constitution of 1962. This operated up to 1966 which led to the current 1967 Republican Constitution.

The 1967 Constitution though approved by parliament at that time did not receive the benefit of wide consultation. Government in consultation with the National Resistance Council set up a machinery for making a new Constitution based on wide national consultation.

In order to do this, a Constitutional Commission with a total membership of twenty one including two women was set up in 1989 to consult widely with the community. The Commission produced a Constitutional Report together with a Draft Constitution by December 1992; following which a Constituent Assembly Commission was set up in 1993 to arrange for the election of Constituent Assembly Delegates to debate the Draft Constitution. The new Constitution is expected to be ready by December 1994.

2.7 Religious Setting

Uganda is a highly religious country with Roman catholics constituting 45%, Church of Uganda (Anglican) constituting 39%, Moslems constituting 11% and the rest constituting about 5%.

Consequently many social activities in Uganda have a bearing on the religious inclinations of the different communities often with serious gender implications. For example the law of marriage in Uganda recognises marriages contracted according to Christianity, Islam and customary practices.

2.8 Government Machinery

Apart from what we reported in 1991, several programmes have been implemented during 1991 up todate. These activities are listed below.

2.9 Programmes and activities implemented during 1991 - todate

The main objective of government is to ensure the positive integration of women and gender issues in the mainstream of all development processes right from planning through implementation to evaluation stage. Government seeks to address the integration strategy at 2 levels at a national level through the National Gender Policy Framework and at the sectoral level through the sector specific gender oriented policies.

2.10 THE NATIONAL GENDER POLICY FRAMEWORK

The National Gender Policy Framework has been drafted with the aim of providing a structure which all government machinery and development agencies can use to direct their policies and programmes with gender responsiveness. The policy will guide all the sectors in mainstreaming gender issues in their activities. The final draft is to be submitted to Cabinet and eventually to the National Resistance Council (NRC) for approval. Upon approval, the framework will be a legal mandate/obligation for all government departments.

2.11 GENDER ORIENTED SECTOR POLICIES

While the National Gender Policy Framework is still in the making, the Ministry of Women in Development, Culture and Youth has continued with the exercise of revising and/or formulating sector specific gender oriented policies in the major sectors of Agriculture, Trade and Industry, Education, Natural Resources and Health.
The aim of the exercise is to make gender concerns explicit in sectoral policies and that both women and men's needs are catered for by major programmes and project. It is an attempt towards more efficient programming by various sectoral ministries in order to meet the needs of women, men and children as specific target groups which may need to be addressed differently.

2.12 LEGAL ACTIVITIES
The Constitutional Consultation Project

Government considered it essential to mobilise and educate women on the Constitution to ensure their effective participation in the on-going country wide constitutional debate. Women's views and opinions were compiled into a consolidated report and submitted to the Constitutional Commission by the Ministry of Women in Development.

The Constituent Assembly Project for Women

In addition to consultation with women on the Constitution, the Ministry has further put in place, a Constituent Assembly Project for women that would equip women delegates with the technicalities of parliamentary debates and negotiation skills,

since majority of the women delegates are engaging in politics for the very time.

Under this project the Ministry carried out a countrywide sensitization exercise on the Constituent Assembly elections. This programme specifically targeted the female electorate.

Civic Education and The Paralegal Scheme

Government is implementing a Pilot Paralegal Scheme in the district of Kamuli aimed at educating women on their legal rights. The objective of the scheme is to create a community based source of legal advisers and informers (paralegals) whose work would empower women at the community level to learn and use the law on their own. A curriculum and other educational materials to guide the training have been developed. A total of 30 paralegals (20 women and 10 men) have been trained and are currently giving legal information to their communities.

Research and Documentation on Law Reform

Research findings on Domestic Relations and Inheritance have been compiled and analysed and are to be an input in amending discriminatory legislation on those.

Law Reform Fund for NGOs:

Under this activity, funds are provided to local women's groups and NGOs to carry out legal education and legal research activities. The implementation of this fund is intended to support NGO initiatives and to supplement the Ministry's own Law Reform programmes. The legal education activities under this exercise covered laws related to domestic relations, inheritance, domestic violence, rape and defilement.

Study on the Legal Constraints to the Economic Empowerment of Ugandan Women

This study was initiated and is funded by the World Bank. It is institutionalised in and is coordinated by the Ministry and has now taken off. The study is commissioned to research into legal constraints to the economic empowerment of Ugandan women and to come up with a Strategic Action Plan to address the issues raised by the study findings. The findings of the study will be fowarded to the Uganda Law Reform Commission and other relevant agencies.

2.13 CREDIT ACTIVITIES
Pilot Legal and Credit Project

This activity provides legal services and credit to women in the districts of Mbale and Kapchorwa. It is implemented by two women NGOs namely Uganda Women Lawyers Association (FIDA) and the Uganda Women's Finance and Credit Trust (UWFCT). Todate, 50 women groups have so far received credit and a legal aid clinic has been established in Mbale District.

During the period of January - June 1994, 23 loan applications by individual women were received and 12 of them were approved.

Support to and Follow-up of Women's Initiatives

This activity provides technical training to women's groups in simple business management and gives financial assistance in form of project support fund (a line of credit). It is implemented in Mukono and Jinja districts and to-date a total of (46) women's projects have received loans.

2.14 RESEARCH AND INFORMATION ACTIVITIES

The WID Resource Centre

The Ministry has set up a Resource Centre which is serving as a viable depository unit and a dissemination source of WID information and gender disaggregated data. Technical processing of documents is on-going using the Women Information Systems package (WIS). A reference library is already operational. It is equipped with audio and visual equipment, computer and photocopier.

Research

A research Action Plan for the WID Department was drawn, out and basing on the priorities of the Plan, two studies have been completed on: (1) Why Defilement Cases are not Prosecuted and (2) Operation of Women Informal Credit Schemes. The findings of the two studies will be an input in the Ministry's activities. The two reports have been completed and the research skills of staff have been strengthened.

In preparation for the Dakar (Regional) and Beijing (global) Women's Conferences, the Ministry has collected gender disaggregated data and made a Report on the situation of women since the launching of the Nairobi Forward looking Strategies (FLS). The report has been submitted to the Economic Commission for Africa (ECA) and to UN Secretariat for the Fourth World conference on Women.

THE WOMNEWS - Newsletter

The Ministry in publishing a quarterly newsletter with the objective of giving a wide dissemination of WID activities through print media both locally and abroad. The newsletter has strengthened the Ministry's information network and the readership has been expanding from 1,500 copies to 2,500 copies (every 3 months).

## 2.15 TRAINING AND GENDER SENSITISATION

### Gender and Development Training

In-house staff training on Gender and Development analysis skills has been completed, and staff of the Ministry are well equiped with the required gender-analysis skills.

Gender sensitisation forums of the senior and middle-level media personnel have been successfully held. Currently a lot of coverage is given on gender issues in the media. In addition, a gender-oriented Radio programme task force has been set up and it draws up a coverage plan on gender issues.

### The Umbrella Project for WID

Under this activity, gender sensitisation of the Ugandan public in government and at district level was achieved. The activity aimed at integrating gender concerns into National and local-level policies and programmes and to create a cadre of Women Trainers (TOT) at the district level equipped in leadership techniques and other skills. A total of women trainers at the district level have been trained, a curriculum has been developed for them and education materials.

## 2.16 NGO ACTIVITIES IN UGANDA

In 1989, Government established, by Statute the NGO Board whose purpose is to register all existing NGOs and synchronise NGO activities in line with government policies. The number of NGOs focusing on women has increased and is categorised as follows.

I) **Indigenous NGOs**

(a) Indigenous national/professional women NGOs: are those formed by Uganda Women of various background or the same profession voluntarily either for their own benefit or for the underpriviledged women in society e.g. Action for Development (ACFODE), and Uganda Women's Effort to Save Orphans (UWESO). There are 42 recorded such NGOs.

(b) Local chapters of foreign NGOs i.e. Soroptimist International, YMCA, YWCA etc. There are 15 recorded such NGOs.

(c) Self-help grassroots groups. These have been established mainly between 1988 and 1922. There are 1,935 recorded such groups.

(d) Indigenous networks like the National Association of Womens Organisations (NAWOU) and DENIVA which evolved in 1992 and 1988 respectively to promote the coordination and cooperation of NGOs/CBOs in their development activities.

II) **Foreign NGOs:** Programs for these NGOs mainly focus on women and children and include Action Aid Uganda, World Vision etc. These are 46 registered organisations.

2.17 **NATIONAL ASSOCIATION OF WOMEN ORGANISATIONS**

The National Council of Women (previously with semi-parastatal status) has evolved into an autonomous body: The National association of women organisations. It is an umbrella body that coordinates all women NGOs, groups, voluntary associations and CBOs in Uganda.

2.18 **WOMEN'S COUNCILS**

The 1993 statute established the Women Councils which culminated into women's council election in January 1994. In line with the resistance council structure the women's council is a 6-tier structure beginning at the village level, through the distict and up to the National level. The councils are local fora for women right from the grassroots level through which women are mobilised into civic participation nfor the development of their local areas, and also to have an imapct on National Policies. Through the councis, women are empowered to coordinate their activities and communicate their specific needs to the various levels of community planning.

In 1989 the Uganda government establishment, by statute the NGO Board whose purpose is to register all existing NGOs and synchronise NGO activities in line with government policies.

## 3.0 PART 11 ADDENDUM TO THE SUBSTANTIVE ARTICLES OF THE CONVENTION

### 3.1 ARTICLE 1: Definition of Discrimination

Since the presentation of the report certain developments complying with Article 1 have been effected. These include the formulation of sector specific gender oriented policies as well as gender sensitization for various categories of the population.

#### 3.1.1 Gender Nutrality:

While the legal position remains as it was in 1991, there have been positive steps to cover aspects of the Convention in implementation.

These include Affirmative action on the empowerment of women such as:-

a. Affirmative action on the involvement of women in political and public life including the public service, and
b. Mainstreaming of gender oriented policies in Government Ministries and programmes.

#### 3.1.2 Discrimination

While the omission of sex as a ground for discrimination in the Current (1967) Constitution was noted, its inclusion would not be enough safeguard against discrimination of women. The law should be specific on discrimination against women and other vulnerable groups.

### 3.2 ARTICLE 2: PURSUANCE OF POLICY ON ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Following the Government policy statement of 8th March, 1990, (refer to initial report), the Government of Uganda is now committed to the establishment of a viable national machinery for women, as an institutional framework that coordinates and enhances the participation of women right from the grassroots to the National level. Government considers a national machinery as necessary for the positive integration of women in the mainstream of all development processes.

Subsequently the National Machinery for the advancement of women in Uganda is spearheaded by a Government Ministry of Ministry of Women in Development, Culture and Youth, that coordinates other structures like, Women Non-Governmental Organisations and the grassroots women councils. The Ministry also liases with the Political Directorate of the National Resistance Movement Government on women and gender issues. To date the National Machinery is directed at Cabinet level within the organisational structure of government and it coordinates policies and activities directed towards the advancement of women.

### 3.2.1 Constitutional Making Process

As reported in 1990, the Ministry of Women in Development, Youth and Culture started its own project on women and constitutional consultation whose report was submitted to the Constitutional Commission. The recommendations in the report have been adopted in the draft constitution now under discussion. The adopted recommendations include-

(a) Clause 43 of the Draft Constitution which stipulates that every person married to a Ugandan citizen may apply to be registered as a citizen of Uganda. This is contrary to the Present Constitution (1967) which only permits male Ugandan citizens to extend their citizenship to foreign female spouses.

(b) Clauses 2 and 34 of the Draft Constitution on cultural objectives where it is proposed that

> **"cultural and customary values which are consistent with fundamental rights and freedoms, human dignity, democracy and with this constitution may be developed and incorporated in aspects of Ugandan life."**

The draft constitution further stipulates that if any other law or custom is inconsistent with any provision of the Constitution, the Constitution shall prevail and that other law or custom shall, to the extent of its inconsistency, be void. Such a provision does not exist in the current 1967 Constitution.

In the Constitution making process women representation is assured by at least one woman representative from each district. There are 54 female delegates in the Constituent Assembly constituting 19% of the Constituent Assembly membership.

The majority of Women delegates to the Constituent Assembly; are engaging in politics for the first time. There are programmes by the Ministry of Womenn in Development, Youth and Culture and NGOs to equip them in the technicalities of parliamentary debates and negotiation skills.

In addition Government through the Ministry of Women in Development, Culture and Youth has put in place a lobby under follow up activities to the Constituent Assembly to target both men and women delegates in the Constituent Assembly so as to ensure the and entrenchment of women's rights in the Uganda Constitution.

3.2.2 Law Reform

Following the passing of the Law Reform Statute, the Law Reform Commission has been put in place and high on the agenda of this Commission is gender responsive law reform. The Commission consist of 6 members including at least one woman. Initially there are three Commissioners of whom one is a woman.

The Law Reform Commission is working closely with Ministry of Women in Development, Youth and Culture which carries out legal research geared towards gender responsive law reform. Apart from women's recommendations on the Constitution, research findings by the Ministry of Women in Development, Youth and Culture on the Domestic Relations Law have been forwarded to the Law Reform Commission. In addition the Law Reform Commission is mandated to study the Education, Population, and Socio-economic policies to ensure that they are gender responsive.

**Table: 2 Proposed Action Programme for the Uganda Law Reform Commission**

| Activity | Timing |
|---|---|
| Legislation on Rape and defilement | Ongoing |
| Domestic Relations Law | Ongoing and due to end by December 1995 |
| Review of Commercial Property and Revenue Law | Due to start in July 1995 |
| Constitutional making process (drafting) | Concurrent with Constitutional process (on going) |
| Provide 6th Edition of the laws of Uganda including Domestic Relations Law and the Law on Abortion | Cut off date is December 1995 |

**Source: Adopted from the Law Reform Commission (1994)**

3.2.2. Law Reform Proposals

Other activities of the Law Commission include-
Gender responsive law reform in particular rape and defilement, as well as domestic relations law. The issue of domestic violence against women will be addressed under the domestic relations law which should be completed by end of 1995. Law Reform Commission will study the Education, population and socio-economic policies in respect to gender responsiveness and will revise the laws of Uganda beginning with 1996. The bill to revise the laws of Uganda was passed in August 1994 by the

Legislature. The Law Reform Commission with work on integrating CEDAW into the laws of Uganda.

3.2.2 Legal Remedies

(a) Discrimination

Presently there are no legal remedies to discrimination on grounds of sex and consequently no cases have ever been brought to the law courts involving such discrimination. The current Draft Constitution when adopted will make provisions to ensure protection of women within the law as deals with custom which is one of the institutions oppressing men the most. Clause 2(2) of the draft Constitution provides that:

> "If any other law or nay custom is inconsistent with any provision of this Constitution, the Constitution shall prevail, and that law or custom shall, to the extent of the inconsistency be void."

(b) Domestic Law on Violence Against Women

Both the current 1967 Constitution and the laws of Uganda do not provide for domestic law on violence against women. Consequently violence against women continues unabated within the family, at work places and in social places.

Consultations on this issue are ongoing and the recommendations will be included in the amendment to the law on domestic relations.

3.3 ARTICLE 3: **BASIC HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS ON AN EQUAL BASIS WITH MEN.**

The 1967 Constitution does not specifically provide for equality between men and women. However clause 50 of the draft constitution provides for the protection of fundamental human rights and freedoms such that every person shall enjoy equal protection of the law and that men and women shall be equal under the law in all spheres of political, economic, social and cultural life.

3.3.1 Legal AID

The Uganda Women's Lawyers Association (FIDA-Uganda) has continued with the Legal Aid Clinic which assists poor women and children. The majority of cases so far handled are maintenance cases which has resulted into opening a children's desk in the Association.

In addition, an NGO the Uganda Law Society (ULS) has started a legal aid project which offers similar services to those being offered by Uganda Women's Lawyers Association. Their services are targeted to the indigent the majority of whom are women. Todate the legal aid project of the law society has opened four legal aid offices in the four regions of Uganda.

## 3.4 ARTICLE 4: TEMPORARY MEASURES TO ACHIEVE EQUALITY

### 3.4.1 Political Representation

In addition to the affirmative action taken to increase the number of women representatives in Parliament and in Resistance Councils, affirmative action was taken to ensure a reasonable representation of women in the Constituent Assembly. In the same way women representation was enhanced in National Resistance Council elections. Each district had by statute one woman Constituent Assembly Delegate elected into the Constituent Assembly. The total number of women Constituent Assembly Delegates is 54 constituting 19% of the Constituent Assembly membership. Compared to the 1989 National Resistance Council elections, the total number of Women National Resistance Council members is 43 constituting 16% of the membership.

### 3.4.2 Education

As reported in 1990, the female applicants to the National University had an additional 1.5 bonus weight given to them in the University entrance weighting system thereby increasing female intake for the 1990/91 academic year. To date this has led to an increase of the female student population at University to 33% (by 1993) compared to the 25% by 1990.

## 3.5 ARTICLE 5: ACTION BY GOVERNMENT TO MODIFY CULTURAL PARTTERNS THAT DISCRIMINATE AGAINST WOMEN

Government recognizes lack of awareness as a major hindrance towards the elimination of prejudice, and all other practices which are based on the idea of the inferiority or the superiority of sexes and has launched several programmes on gender sensitisation. These programmes include the following:-

(a) Gender sensitisation programme under the Ministry of Women in Development, Youth and Culture which targets various categories of the Ugandan community. To date the Ministry publishes a quarterly newsletter, and has established a resource centre serving as a National Information Centre on women emancipation. In addition gender sentitisation by the same Ministry is being done through drama and essay

competitions, public seminars and workshops, as well as the media.

(b) Further, Government through the Ministry of Women in Development, Culture and Youth has undertaken legal education programmes to create awareness of women's rights within the law aimed at improving societal attitudes towards women. This is achieved through paralegal programmes and legal education seminars. In this regard 11 simplified versions of the law have been published and are in circulation. In addition a simplified version of the U.N. Convention on the Elimination of All Forms of Discrimination against women has been published and is in circulation. The Ministry of Women in Development, Youth and Culture plans to translate all those publications into the six major national languages.

## 3.6 ARTICLE 6: TRAFFIC AND PROSTITUTION OF WOMEN

Penal Code (Amendment) Statute No. 4 of 1990 has introduced more stringent sentences against prostitution: In retrospect this amendment tends to deal with the symptoms and not the real causes. Women who engage inprostitution should not be exposed to lengthy sentences, rather those who profit from the earnings of prostitution are the ones who should be penalised.

Secondly the amended law tends to give wide varying powers to security organs to mount operations against suspects; an act which might violate the rights of especially women.

## 3.7 ARTICLE 7: PARTICIPATION IN PUBLIC AND POLITICAL LIFE

### 3.7.1 National Women's Council

In addition to the provisions for women in parliamentary representation, the National Women's Council Statute 1993 established Women's Councils which were elected in January 1994. In line with the resistance council structure the women's council is a 6-tier structure beginning at the village level, through to the district and up to the National level. The councils are local fora for women right from the grassroots level through which women are mobilised into civil participation for the development of their local areas, and also through which they contribute to the formulation of National Policies. Through the Councils, women are empowered to coordinate their activities and communicate their specific needs to the various levels of development planning.

### 3.7.2 Constituent Assembly Membership

As described in Article 2 Government ensured women representation in the Constituent Assembly process by proclaiming at least one woman Constituent Assembly member from each of the 39 districts.

The number of women in decision making has increased as shown in table 2.

**Table 2: WOMEN IN DECISION MAKING POSITIONS**

| Level | Total No. of women 1991 | % of women 1991 | No. of women 1994 | % of women 1994 |
|---|---|---|---|---|
| Ministers* | 4 | 10% | 5 | 17% |
| Permanent Secretaries | 7 | 18% | 5 | 20% |
| Under Secretaries | 10 | 20% | 12 | 35% |
| District Administrators* | 4 | 9% | 6 | 16% |
| Constituent Assembly Delegates | N/A | N/A | 54 | 19% |

Source: WID Information Centre, Ministry of Women in Development, Culture and Youth, 1994.

* Ministers include Cabinet Ministers, Ministers of State, and Deputy Ministers.

* District Administrators are referred to as Central Government Representatives (CGR)

### 3.7.3 Voting

Prior to Constituent Assembly elections Government carried out a sensitisation programme targeting women. The programme addressed women on voting procedures and requirements.

### 3.7.4 Women in Management

The number of women in management positions continues to be low. It is only 6% in the public and government establishment.

### 3.7.5 Women and Political Parties

There are four recognised political parties in Uganda. These are the Democratic Party (DP), the Uganda Patriotic Movement (UPM), the Conservative Party (CP) and the Uganda Peoples Congress (UPC). In most cases gender dissaggregated data on the membership to political parties was not available. For the UPC the following situation prevails:-

**Leadership**:

There is a constitutional provision for representation of women at every executive in each parish. At least one out of the 13 executives in each parish branch is a woman. There are 7500 parishes in the country. This scenario is repeated at the constituency level and at the District level.

**National leadership**:

Out of the 8 party executives at National level, 2 are women constituting 25% of the executive. At the UPC headquarters there is a women's desk headed by an undersecretary who is a woman.

**For the UPM, the following situation prevails:-**

Membership: Most of the records were either destroyed in the 80's and hence it is not possible to get gender dissagregated data on membership. By policy UPM encourages the recruitment of women into their ranks.

**Constitutional Provision:**

The UPM constitution provides for both the secretary for youth and women at the executive level. Theirs is a four tier executive right from the National Level, District level, Constituency level and down to grassroots. The secretary for women at all these executives is a woman. At least 2 out of the 23 executive members were women.

**Current Status:** UPM is currently docile by its own choice.

### 3.7.6 PARTICIPATION OF WOMEN IN THE NATIONAL ORGANISATION OF TRADE UNIONS (NOTU)

Notu is interested in keeping the integrity of women especially at workplaces. In this regard, the Governing Council of NOTU established a Directorate for Women Affairs. , This administratively established women's desk is headed by a woman. NOTU organises workshops targeting women. Topics covered in workshops and seminars include - sexual harassment of women at work places, financial empowerment of women and women's rights. NOTU elected two delegates to the Constituent Assembly and one of them is a woman.

## 3.8 ARTICLE 8: INTERNATIONAL REPRESENTATION AND PARTICIPATION OF WOMEN

In this period there were no significant changes in Iternational Representation of women.

## 3.9 ARTICLE 9: NATIONALITY

### 3.9.1 Citizenship

The current Constitution (1967 Constitution) has discriminatory tendencies against women with respect to children born outside Uganda whose fathers are not Ugandan citizens. These children do not qualify to be registered as Ugandan citizens.

As reported in 1990, the acquisition of citizenship by spouses of Ugandan citizens is more in favour of males than females.

In order to address this the Constitutional Commission has proposed in the Draft Constitution as follows:-

(i) Clause 41 (c)

**"Every person born outside Uganda one of whose parents or grandparents was a citizen of Uganda at the time of birth shall be a citizen of Uganda by birth."**

(ii) Clause 43 (2)(a)

**"Every person married to a Ugandan citizen; may apply to be registered as a citizen of Uganda, except that such a person shall be required to produce proof of a legal and subsisting marriage of at least three years standing."**

### 3.9.2 Passport and travel arrangements for spouses

It is to be noted that the draft constitution does not address the discriminatory inference in the passport regulations. The Passport Act does not-

(a) permit married women to acquire or renew passports without the husbands consent.

(b) does not permit married women whose particulars have been endorsed in the husbands passport to use the passport when travelling alone; and

(c) does not permit particulars of children to be endorsed in the womens passport without the consent of the legal guardian, where the legal guardian is defined to mean the father.

## 3.10 ARTICLE 10

### 3.10.1 Enrollment in Government Aided Primary schools

The average percentage of girls enrolled in primary schools between 1986 to 1990 was 44.6% of which over 50% will have dropped out by the end of primary cycle. While the enrollment rates and drop out rates were fairly comparable for both boys and girls by 1988, statistics for 1993 indicate that the drop out rates for girls are higher than that for boys. Primary Leaving Education registration statistics for 1993 from Ministry of Education and Sports show that 35% of the candidates are girls and 65% are boys. This is an indication that the drop out rate for girls is higher.

### 3.10.2 Girls Education at Primary Schools

A review of the 1991 data covering factors affecting access to primary education (Nalwadda and Kakande, 1994) found several factors affecting their attendance. These included as the following:-

Although girls had a higher drop out rate than boys especially after primary four, there was a distinct tendency for girls to enroll at earlier or appropriate ages for different grades compared to boys. However as ages increase especially after 10 years more girls than boys dropped out of school. The main reasons for girls dropping out of school were their inability to cope-up in class, cost considerations and early pregnancies.

As in stated in Article 1 the legislation on defilement has raised the defilement age to 18, which change it is hoped will moderate the problem of early pregnancies. This is particularly so because many of the pregnancies are caused by either teachers or other adults.

Girls located in the districts of Moroto, Kotido, Nebbi, Arua and Kisoro; and especially in the rural areas; had the least chances of attending school.

### 3.10.3 Enrollment in Government Aided Secondary Schools

The most serious bottleneck within the formal education system continues to be between primary and secondary levels. A much smaller proportion of both boys and girls continue to enroll at secondary schools, although the percentage of girls in lower than for boys. The average percentage of girls enrollment in government aided secondary schools between 1989 and 1987 was 32.1% as compared to the average girls enrollment rate between 1986 to 1990 which is 36.6%. The increase of 4.5% is an indicator of a growing enrollment rate for girls at that level.

### 3.10.4 Child Headed Households

Due to a number factors, there is an increasing number of primary school age child headed households in the country. This disrupts education. According to Population and Housing Census 1991, 49.0% of children house heads are girls, and of those children living in a married relationship 81.4% are girls.

Furthermore, 63.3% of the primary school age children heading households had both their parents alive; a factor influenced by parental/domestic instability. The law on domestic relations is expected to address this issue.

In both cases, children heads of households had a low rate of school attendance.

In order to overcome some of these problems, Government policy now is that of compulsory universal primary education which will be realised by the year 2003. This, in addition to the legislation against defilement together with the domestic relations law should improve the enrollment and retention level of education for primary age children in schools.

### 3.10.5 Gender Responsive Policy in Education

In response to the glaring gender imbalances in education, government has proposed a gender responsive policy to be implemented by the Ministry of Education. Noting for example that of 422 co-educational secondary schools, only one third of their intakes are girls; government has proposed the democratisation of education as one way of addressing these imbalances. Furthermore, in career guidance programs, deliberate moves to encourage girls to take up subjects in which boys have dominated will be taken.

Further, a general awareness programme on the values of education especially to girls and women will target parents and suitable facilities and infrastructure for both boys and girls will be provided at all schools and institutions.

In addition, the National Curriculum Development Centre will re-design and reform the Curriculum in the light of gender reforms and demands.

Finally apart from the 1.5 weight advantage for girls entering University, a similar scheme should be instituted for other tertiary institutions. Agricultural colleges have already instituted a quota system whereby up to 50% of the vacancies are reserved for female.

### 3.10.6 Sex Stereotyping and Gender Disparities

Curriculum materials in education continues to have stereotyping biases as reported in 1990. Government has proposed to overcome these stereotyping biases through the introduction of gender responsive planning in the education subsector. Under this

scheme, the NCDC is expected to produce gender responsive teaching aids/materials. This will promote girls to careers which have hitherto been male dominated. In addition this will increase the number of girls enrollment in secondary schools and other post secondary institutions.

What remains to be done is the establishment of a monitoring machinery to ensure gender sensitivity in the teaching curriculum.

Although it is widely believed that, co-educational schools do contribute towards the elimination of stereotyped concepts statistics in Uganda reveal that girls only boarding secondary schools perform better than co-educational boarding secondary schools.

In addition, the proposed Educational Policy in Uganda will favour the establishment of day secondary schools only. While the impact of this on female education is yet to be evaluated, it is feared that this policy will aggravate the poorer performances of girls in day only co-educational schools.

3.10.7 Post Secondary Institutions

The overall enrolment for both boys and girls in post secondary institutions continues to be much lower than at lower institutions on account of the bottlenecks discussed before.

Since 1986 there has been increased enrollment for women in post secondary institutions. The trends since 1986 are demonstrated in table 3. The table also highlights the stereotyping influences in post secondary placements.

The over all picture reveals that the biggest percentage of female students were enrolled in commercial colleges followed by teacher training institutions.

In 1989, 70% of enrollment to the commercial colleges were girls whereas for the same year, only 1.3% female students joined technical colleges. This indicates the stereotyped career perceptions where girls are trained to be secretaries, teachers and caterers and are not encouraged to undertake science subjects that would qualify them to undertake the scientific and technical courses.

Table 3:

The percentage of girls attending Tertiary Colleges compared to boys in Uganda 1986 - 1989.

| Year | TTC Grade 111 | Technical Schools | Technical Institutions | NTC | UCC | UTC |
|---|---|---|---|---|---|---|
| 1986 | 44.6 | 19.8 | 5.8 | 18.9 | 49.7 | 0.9 |
| 1987 | 44.5 | 20.0 | 6.0 | 22.7 | 50.1 | 1.0 |
| 1988 | 45.0 | 22.0 | 7.0 | 24.7 | 50.9 | 1.9 |
| 1989 | 43.5 | 26.4 | 8.0 | 24.9 | 70.1 | 1.3 |

NTC (National Teachers College)
UCC (Uganda College of Commerce)
UTC (Uganda Technical College)

Source: Ministry of Education Planning Unit.

3.10.8 Non-Formal Education and NGOs

Apart from offering voluntary career guidance to different levels of primary and secondary schools, NGOs do make a tremendous contribution in the field of non-formal education. NGO contribution in the non-formal sector including the following:-

(a) Vocational training mostly targeting girls who do not proceed to higher education. Despite the fact that most of the vocations are stereotyped in favour of women, this service contributes significantly to the empowerment of women in form of skills acquisition.

(b) Organising workshops and seminars for women on various aspects of Women in Development.

(c) Organising gender oriented research programmes.

(d) Family planning / family life education is promoted through the Family Planning Association of Uganda. The Association provides awareness on population issues and primary health throughout the country.

3.10.9 School Health Education Programme (SHEP)

Government through the Ministry of Education has introduced an out of school Health Education Programme through the schools in cooperation with the community. The main objective of this programme is to improve the health level of communities around the schools. The multiplier effect of this programme is having

marked benefits to the women in the school neighbourhood particularly in the context of Primary Health Care (PHC) promotion.

3.10.10 Political Education

As observed in 1990, Political Education as a tool contributes to increased awareness and functional educational levels. Since 1990 all districts have carried out wide spread Political Education locally known as Chaka Mchaka. This programme is ongoing. Although the number of women participants is still low (approximately 10%), this is expected to increase as political awareness improves.

3.10.11 Family Life Education

Government through the National Caricullum Development Centre is incorporating family life education in the school curriculum.

In addition Action for Development (ACFODE) and the Association of University Women have carried out family life education in several schools in the country. Further they are developing a training manual on family life education.

3.10.12 Basic Education

The provisions of the Jom Tien declaration on basic education have been integrated in the current Government Policy. Empowerment of women will be enhanced by these provisions.

3.10.13 Womens Study Programmes at University

**Table 4**

| | 1991/92 | 1992/93 | 1993/94 |
|---|---|---|---|
| MEN<br>WOMEN | 2*<br>12 | 3*<br>8 | 5<br>8 |
| TOTAL | 14 | 11 | 13 |
| FEMALE PROPORTION | 86% | 73% | 69% |

**Source: Women Studies Department, Makerere University, Kampala.**

Table 4 demonstrates enrollment on the women studies programme. To date of the 38 participants enrolled on the Women Studies Programme, 28 of them are women constiting 73.6% of the participants. The male intake is lower than that of females because it is the policy of the Women Studies Department which

encourages female participation in the programme. Most of the first graduates were recruited from Government Ministries whose return will have positive impacts on provision for women emancipation in government programmes. As the women's study programme grows there will be an increased number of graduates with relevant skills to handle gender and WID issues in the various sectors of society.

### 3.10.14 UNDERGRADUATE UNIVERSITY COURSES

As explained in Article 4, the 1.5 point bonus weight has increased the number of women at the University from 25% in 1990 to 33% by 1993.

At the University level, Medicine and food science are among the subjects where women enrollment have grown in numbers from 20% and 13% in 1988 to 28% and 40% in 1991 respectively. Furthermore, new and additional courses introduced into the University Curriculum have increased the available choices especially for women.

New courses which have high levels of women enrollment include Mass Communication, Pharmacy, Librarianship, Survey and Architecture. On the other hand, the Engineering and Agricultural courses have a slower enrolment growth rates. For example, the percentage enrolment for girls in 1988 were 11% in engineering and same in 1991 and for Agriculture enrollments were 31% in 1988 and 12% in 1991.

## 3.11. ARTICLE 11: EQUALITY OF MEN AND WOMEN IN THE FIELD OF EMPLOYMENT

### 3.11.1 Manpower Survey

There hasn't been a recent manpower survey in the civil service since 1989. Due to the requirement to reduce government expenditure and also to improve on the efficiency of the civil service, government embarked on a restructuring programme of the civil services.

This restructuring has impacted negatively on women on two counts. Firstly a considerable number of women have been retrenched and secondly women whose husbands have been laid off will have to take up responsibilities of running the home in the short run. Limited income for the family impacts negatively on the female dependants especially in the area of education and social provision.

In the informal sector the majority of women are operating the female headed units as shown in table 4. Women are still more

represented in the restaurant businesses, confining themselves on the stereotype roles.

TABLE 5

**PERCENTAGE OF SELECTED URBAN INFORMAL SECTOR UNITS HEADED BY WOMEN BY INDUSTRY**

| Industry | Total No. of enterprises | No. of female headed units | % |
|---|---|---|---|
| Food processing | 63 | 27 | 43 |
| Clothes/shoes | 66 | 27 | 41 |
| Metal fabrication | 63 | 1 | 2 |
| Wood products | 38 | 0 | 0 |
| Handicrafts | 20 | 17 | 84 |
| Construction | 27 | 1 | 4 |
| Garages | 11 | 0 | 0 |
| Trade and Restaurant | 225 | 74 | 29 |
| Transport | 26 | 0 | 0 |
| Services | 57 | 7 | 12 |
| Others | 3 | 1 | 33 |
| Not Stated | 5 | 1 | 20 |
| Total | 604 | 156 | 25 |

**Source: Ministry of Finance & Economic Planning, Manpower Survey, 1989**

Prior to the 70s, the phenomenon of the urban informal sector was not common in Uganda. Following the break down of the economy due to years of civil strife, the urban informal sector emerged which led to the movement of people from rural to urban areas. A number of women also took advantage of the emergence of the new sector and have since then increased in number especially in marketing of food, clothes and handicraft, as shown in Table 5.

### 3.11.2 Education, Training and employment

Although women are largely found in service jobs like nursing and teaching whose remuneration is low, there has been a tendency to upgrade the quality of these jobs which will improve on the remuneration. Presently the nursing profession has been brought to graduate level with 90% of enrolled undergraduate nursing students being women. Similarly an increasing number of graduates are joining the secretarial cadres there by improving the level of renumeration despite the obvious gender stereotyping.

3.11.3 Gender Responsive Planning in Employment

Despite the fact that there has been no deliberate policy, to discriminate women in employment they have been finding it difficult to compete with men due mainly to stereotyping roles.

In order to address this problem, government has introduced gender responsive policies in planning. Under this programme positive discrimination in favour of women employment will be encouraged until gender parity is achieved.

In addition it is government policy to support women enterpreneurs. Todate, a considerable number of women in Uganda are being organised under the Uganda Women Enterpreneurs Association. A few of these women enterpreneurs have entered the manufacturing industry and are members of the Uganda Manufactures Association.

3.11.4 Equal pay for equal work

As reported in 1990; women, by law, are entitled to receive equal remuneration for work of equal value. Presently there are no documented cases where men are paid disproportionately for work done compared to women.

Following the streamlining of the civil service, all benefits have been monitised and both men and women get equal allowances.

3.11.5 Job Pensions Act

Since 1990, the Pension Act Cap 281 Laws of Uganda has been revised to the effect that Government employees retirement age has been raised to 60 years.

3.11.6 On the Job Training for Women

Most on the job training is funded by the donor community since 1990. It is the requirement of most donors that women receive preferential treatment with respect to OJT. This concurs well with government gender orientation policy. It is believed that this will correct the promotion anormalies as reported in 1990.

3.11.7 Women employment in mines

In the context of gender responsive programmes the relevant department through the Ministry of labour ILO will seek to regularise the laws against women working underground mines.

3.11.9 Transport for employees

Different employers have different policies regarding the provision of transport to employees. Since 1994, government has monetised all benefits including transport. Public servants (both men and women) are entitled to a transport allowance in lieu of actual transport.

3.11.8 Equal access to employment

Apart from a few cases in the private sector, most job advertisements are increasingly becoming gender responsive. In the public sector all job adverstisments are non-discriminatory on the basis of gender. Where job advertisements do appear as sexist etc, it is mainly due to lack of awareness.

Subsequent analysis has shown that formal employment in Uganda is male dominated the main reasons for this include gender stereotyping, limited opportunities for women education and not direct discrimination against women per se.

## 3.12. ARTICLE 12: HEALTH CARE AND FAMILY LIFE PLANNING

The National Health Policy aims at primary Primary Health Care (PHC) with emphasis on community based interventions in health promotion, disease control, sanitation and simple curative and rehabilitative health care.

### 3.12.1 Health Care Services

To date, the country has a fairly well developed infrastructure of health facilities for the provision of health care. The network of Government hospitals and health units is supplemented by mission hospitals and largely urban based private practitioners. There are 1,445 health units of all types (1,087 are Government owned) of which 95 are hospitals (55 Government); 196 health centres (149 Government) 400 maternity units (253 government) and 754 sub-dispensaries leprosy centres including aid posts (630 are government owned). On average 49% of the population live within 5 km from a health unit while 47% of population live within 3 km.

Physician coverage of the population is 24,700: 1, that of nurses and midwives 8,900: 1, medical assistants at 20,500: 1 and health inspectors at 58,000: 1. Community health workers (CHWs) are estimated to be 10,000 in number and operating throughout the country. Government has increased collaboration with traditional healers and herbalists particularly the Traditional Birth Attendants (TBAs) who are mostly women through trainipg.

However, 90% of the physicians, 80% of the nurses and midwives and 62% of the medical assistants operate in the urban areas, mainly in big hospitals and or personal clinics. Thus, the distribution of staff and some of the health facilities is still not equitable. For example, modern medical care attends to only about 39% of all child deliveries in the country, although about 88% of all pregnant women are seen at one stage or another by a health worker under modern health care system.

### 3.12.2 Life Expectancy

The life expectancy at birth for Uganda is low, but has been improving steadily. It was 45.6 years for males and 46.9 years for females in 1969. Currently the life expectancy at birth stands at 58 and 47 years for women and men respectively.

The average maternal mortality rate (MMR) is 500 per 100,000 livebirths (1992). However area specific surveys indicate that the MMR is as high as 800 per 100,000 livebirths in the rural areas. The MMR has remained quite high since early 1980s. The major causes of maternal mortality are haemorrhages, infections, pre-eccampsia and eclampsia, obstructed labour and abortions. These risks are compounded by the effects of malaria, nutritional and iron deficiency anaemia and pregnancies at either end of the reproductive age limits. This high rate of maternal mortality is caused by poor child spacing as well as an overall lack of awareness

### 3.12.3 Infant and Child Hood Mortality Rate

The current figure for infant mortality rates for Uganda ranges between 110-120 per 1000 live births while the child mortality rate stands at 180 per 1000 live births. The infant mortality rate was 91.9 per 1000 livebirths in the period 1973 to 1977, it worsened to 113.9 per 1000 livebirths on period 1978 to 1982 and reduced to 101.2 for period 1983 to 1988. The under 5 mortality has remained constant over this period.

Statistics show that infant mortality rates between the years 1978-88 were 111 per 1000 for males and 101.7 per 1000 for females. While the child mortality rate for the same period was 97.3 per 1000 live births for males and 86.0 per 1000 live births for females (see table 6).

The current rates of infant mortality rate and child mortality rate indicate a continued deteriorating trend inspite of aggressive efforts to immunise the infants. The sharp increase between 1988 to 1991 in child and infant mortality could be attributed to the AIDS pandemic and the corresponding vertical transmission from mother to child.

**TABLE: 6**

**Infant and Childhood Mortality by sex**

| Sex | IMR(1978-88) | CMR(1978-88) | U-5MR(1978-88) |
|---|---|---|---|
| Male | 111.0 | 97.3 | 197.5 |
| Female | 101.7 | 86.0 | 178.9 |

**Adopted from Uganda Demographic and Health Survey (UDHS) data 1988/89**

**Mortality differentials by sex (UDHS) indicate that rates are somewhat higher in males than females during infancy and childhood as shown in Table 6.**

### 3.12.4 Teenage pregnancies and Teenage Motherhood

Teenage pregnancies is perceived as a major problem in many districts in Uganda. The main contributing factors include lack of sex education, cultural practices resulting in early marriage and school drop out.

The average age of first sexual experiences is 15 years with many adolescents starting as early as 10-14 years in some districts. Adolescent fertility study (1988-1989) showed that among the 15-19 year old adolescents, 75% of males and 68% of girls were sexually active, while at least 25% of these girls had experienced at least one pregnancy. The rate of adolescent pregnancies is higher in rural areas compared to urban centres, a factor related to higher levels of sex education in urban areas.

According to the Uganda Demographic and Health Survey, (UDHS) 60% of women between 15 - 49 years reported having their first birth before the age of 20 years.

Statistics from the UDHS (1988/89) at the referral hospital (Mulago Hospital) show that 44% of the mothers who died after attempted abortions were adolescents under 20 years of age.

### 3.12.5 Female Circumscion

Noting that circumcision is an entrenched culture among the Sebei, Sabiny community of 160,000 people on the northern slopes of Mount Elgon, efforts to curb the practice are aimed at increasing awareness.

In this regard both Government and NGos have been involved in organising workshops and seminars targeting the men and women of Kapchorwa. At the moment it is not yet possible to evaluate the impact of these sensitisation workshops.

It is only after this awareness that the law against female circmucision can be implemented successfully.

### 3.12.6 HIV Infection and AIDS

The national sero survey of 1987 puts the prevalence rate of HIV infection at 6%. The 1993 surveillance report of ACP/Ministry of Health has prevalence rate of HIV infection of 10%. Although the female:male ratio of HIV infection rate is 1:1, females are more infected 3:1 times than males. UNICEF figures for men and women with sero-positivity associated with STD and HIV (+ve) in 1993 stand at 10% and 33% respectively. The AIDS Control Programme (June 1993) data indicate that the cumulative reported AIDS Cases are 39,495 of which 19,164 (51.90%) are females and 17,764 (48.10%) are males. 8% of the total which is 3,398 are paediatric cases i.e (1,623 females and 1,656 males).

The adolescent AIDS cases stand at 315 (15.08%) for boys and 1,736 (83.10%) representing the male to female sex ratio of approximately 1:6.

The overall trend of HIV infection is on the increase amongst women of child bearing age group. Women also bear the burden of caring for the sick and the family members.

Other STDS are also common in women particularly those living in urban areas; this is true for gonorrhoea, chancroid syphilis, and genital ulcers.

Women are highly vulnerable to STDS/HIV/AIDS because of their poor health seeking behaviors, low level of education, poor socio-economic status and cultural barriers to which they are subjected.

In an effort to alleviate the impact of AIDS especially on women, a number of NGOs have been providing concelling as well as patent care services - including home visits. Key NGOs involved in these programmes include The Aids Support Organisation (TASO), Church Organisations, Aids Information Centre (AIC), and Rakai AIDS Information Newwork (RAIN).

## 3.13. ARTICLE 13: ECONOMIC AND SOCIAL BENEFITS

### 3.13.1 Housing Allowances

Although government workers have been eligible to official housing, the number of available houses has never been enough to meet the demand. In order to overcome this, all government benefits have been monetised, such that all personnel get a house allowance irrespective of sex.

In the parastatals, housing allowance in lieu of accommodation is provided to workers irrespective of sex.

Elsewhere in the private sector, there is no uniform regulation governing housing of workers. Some employers give houses or house allowances while others do not give.

In the general public, there does exist a Uganda Tenants Association whose main objective is to moderate rents. Unfortunately the association is ineffective and has had only limited success in moderation of Tenants' problems.

### 3.13.2 Access to Credit

Prior to 1987, the state owned commercial bank concentrated on financing long term development oriented projects which benefitted women at the rate of 5%. In 1987, Government initiated the Rural Farmers Scheme with emphasis on women.

By 1993, female applicants were 24.7% and of all approved loans 22.7% were for individual women, while 21.1% of the actual disbursed funds went to women.

The Cooperative Bank through its network of 23 branches operates a credit guarantee programme for women groups. This scheme has not had significant impact on individual women mainly due to women's limited participation in the cooperative movement.

In 1987, the Central Bank established a women's desk with the sole objective of ensuring women's access to credit. A credit guarantee scheme was put in place to enable commercial banks lend to risky loanees such as women and rural poor. However very few commercial banks fulfill preconditions of this facility.

Since 1984, the Uganda Women Finance and Credit trust (UWFCT) has made significant attempts in providing credit to women. Presently about 200 women have benefitted from credit in this organisation out of 4000 women who are saving with the trust.

### 3.13.3 Right to ownership and inheritance of property.

Under Uganda Law both women and men have equal right to the ownership of property. This legal requirement can not always apply because in many communities women do not have ownership rights by culture. As a result women are inhibited from taking initiatives to acquire property.

## 3.14. ARTICLE 14: RURAL WOMEN

### 3.14.1 Demographic Information

According to the 1991 population census Uganda's population was 16.67 million growing at an average rate of 2.5 percent per annum. Women constitute 50.9% of the population and those within child bearing age (15 -49) constitute 22.6% of the total population. About 88.7 percent of the population live in the countryside. On the whole the female to male ratio in towns is higher than in rural settings. For instance 51.96% of the rural population is female.

Since 1969, the major urban centre populations have changed from having a male majority in 1969 and 1980 to a female majority in 1991. In Kampala for instance the ratio of males per 100 females changed from 123 in 1969 through 102.6 in 1980 to 95.0 in 1991. These dynamic changes have brought new challenges in national gender planning during the nineties and beyond compared to the status quo prior to and during the early eighties.

### 3.14.2 Efforts to improve the status of rural women

Government has recognised the positive impact on socio-economic development which could accrue from the empowerment of women

through their involvement in the planning process. In this regard government policy aims at involving the grassroots community including women in the planning and implementation processes of rural programmes.

In order to concretise this, government has decentralised most of its power and services thereby vesting most of the powers at district and county levels to the community. This has promoted participatory democracy through collective decision making at the grassroots level.

In addition Women's Councils have been set up for the advancement of women (refer to part 1). These were established by the 1993 Statute. In response to the resolution by the LDC first ladies meeting in 1992 (Geneva), Uganda's first lady in collaboration with NGOs and UNDP are in the process of forming a National Trust for Rural Women. The trust constitution is now in draf form.

### 3.14.3 Preventive Health

As pointed out earlier, the National Health Policy aims at promoting Primary Health Care (PHC) with emphasis on community based interventions in health promotion.

Currently (by 1993) in the rural sector 27% of the population have access to safe water within 1.5 km; and only 30% of the rural population have adequate sanitation facilities. Most of the districts covered under the Rural Water and Sanitation programme covering (8) eight districts in the Eastern Region have Water and Environmental Sanitation Committees at grassroots level where at least 50% of the members are women. Maternal immunisation against tetanus which protects not only the mother but also the infant during first few months of its life, attained a coverage rate of 32% (UNEPI 1993) as fully immunised mothers, 16% of all women 15 - 45 years and 83% of all pregnant women. The achievements that have been made in the immunisation areas can be attributed to UNEPI which was launched in 1983. Popularisation of Oral Rehydration Therapy has contributed to the reduction of deaths due to diarrhoeal diseases. In addition, NGOs are promoting the PHC in rural areas particularly in the field of immunisation, maternal and child health care, as well as in nthe promotion of safe water. While rural safe water coverage was 13% by 1988 it has been gradually increasing and reached high of 26.4% in 1992.

### 3.14.4 Ownership of land and Access to Housing

The most common form of land ownership is customary tenure. This system of land holding is male dominated and acquisition is mainly through succession along male lines. On the other hand, although 97% of the women have access to land, statistics from Ministry of Lands and Surveys indicate that only 8% have leaseholds and 7% actually own land. Available statistics indicate that of all the land holders from 26 districts, 84% are males while 16% are females.

The correnspondingholding areas is 3.2 million hectares or 88% for male holders and 449,000 hactares or 12% for female holders. 87% of the male have land of more than 2 hectares whereas only 3% of females have land that size.

There is limited information on the housing status of women in rural areas. Because of land tenure system which limits the number of women owning land it is anticipated that very few women in rural areas own houses.

In order to address this problem Government has created a land tenure Secretariat to research on land tenure systems which will give recomendation on land ownership. In additon the Constitutional process is addressing the land issue.

On the whole 67% of the Ugandans own houses, 13% stay in rented houses (mainly urban) while the rest either caretake or illegally occupy houses.

3.14.5 Rural Credit scheme

In addition to the schemes reported on in 1990, additional credit schemes for women have been set. The main one is the Mbale and Kapchorwa legal credit project

Pilot Legal and Credit Project

In this project legal services and credit are provided to women in the districts of Mbale and Kapchorwa. It is implemented in collaboration with the professional women NGOs namely Uganda Women Lawyers Association (for legal) and the Uganda Women's finance and Credit Trust (for credit).

3.15. ARTICLE 15:
3.15.1 Equality before the Law

Whereas the legal capacity of women is identical to that of men, the women do not have the same opportunities as men to exercise this capacity. It follows therefore that under the law, women and men have equal rights to conclude rights and to administer property and are treated equally in all stages of procedure in courts and tribunals but a difference arises during enforcement when the law is put in context. Apart from the areas addressed in the initial and second report, a case in point is under the law of inheritance.

Succession Act Cap 139 (as amended by Succession Amendment Decree 1972). Whereas the guidelines for distribution of a deceased's estate indicate that the surviving spouse is entitled to 15% of the estate, this provision affects women in polygamous marriages negatively and the men positively. Under this provision, all widows of a polygamous union have to share 15% of their deceased

husbands estate between them while a man who continues to survive all his wives is entitled to 15% of each of their estates.

The Passport (Cap 95 section 8) and the Passport Regulations No.14 of 1983 (R.10) restrict the legal capacity of women when they require written consent of a husband for the renewal of his wife's passport and written consent of the legal guardian (read father) for the endorsement of children under 16 years of age in a mother's passport.

The issue of equality before the law for men and women is addressed in the Draft Constitution provides that-

> **"Men and women shall be equal under the law in all spheres of political, economic, social and cultural life."**

3.15.2: Women in Judiciary and Law Enforcement

Statistics on women in court as attorneys, judges, magistrate and police are shown in tables 7 - 10

Table 7: **STATE ATTORNEYS IN UGANDA**

| YEAR | WOMEN | MEN | TOTAL | APPROXIMATE PERCENTAGE OF WOMEN |
|---|---|---|---|---|
| 1980 | 23 | 74 | 97 | 24% |
| 1985 | 18 | 61 | 79 | 23% |
| 1990 | 22 | 70 | 92 | 24% |
| 1994 MARCH | 37 | 54 | 91 | 41% |

**Source: Ministry of Justice, 1994**

TABLE 8: POSITION OF JUDGES IN UGANDA

SUPREME COURT

| YEAR | WOMEN | MEN | TOTAL | PERCENTAGE OF WOMEN |
|---|---|---|---|---|
| 1985 -1994 | - | 5 | 5 | - |

HIGH COURT

| YEAR | WOMEN | MEN | TOTAL | PERCENTAGE OF WOMEN |
|---|---|---|---|---|
| 1986 | 1 | | - | |
| 1988 | 2 | | - | |
| 1989 | 3 | | | |
| 1994 | 4 | 19 | 23 | 17% |

Source: Office of the High Court Registrar: 1994

TABLE 9: POSITION OF MAGISTRATES IN UGANDA

CHIEF MAGISTRATES

| YEAR | WOMEN | MEN | TOTAL | APPROXIMATE PERCENTAGE OF WOMEN |
|---|---|---|---|---|
| | | | | |

GRADE 1 MAGISTRATES

| YEAR | WOMEN | MEN | TOTAL | APPROXIMATE PERCENTAGE OF WOMEN |
|---|---|---|---|---|
| 1994 | 8 | 29 | 37 | 22% |

GRADE 2 MAGISTRATES

| YEAR | WOMEN | MEN | TOTAL | APPROXIMATE PERCENTAGE OF WOMEN |
|---|---|---|---|---|
| 1994 | 14 | 256 | 270 | 5% |

Source: Office of the High Court Registrar, 1994

TABLE 10: POSITION OF THE POLICE FORCE IN UGANDA

| YEAR | WOMEN | MEN | TOTAL | APPROXIMATE PERCENTAGE OF WOMEN |
|---|---|---|---|---|
| 1980 | 1,471 | 10,297 | 11,768 | 13% |
| 1985 | 1,447 | 9,871 | 11,318 | 13% |
| 1994 | 1,857 | 13,857 | 15,714 | 12% |

Source: Ministry of Internal Affairs, 1994

## 3.16 ARTICLE 16: MARRIAGE AND FAMILY LAW

### 3.16.1 Family Relations Law

As reported in 1990, the Marriage and Family Law in Uganda falls under a combination of civil, religious and customary laws.

In order to address the imbalances arising from the multiplicity of laws the law on protection of the family in the draft constitution states in part as follows-

> Clause 60(1) Men and women of full age shall have the rights to marry and to found a family and shall be entitled to equal rights in marriage, during marriage and at its dissolution.
>
> On the rights of women the draft constitution 61 (ii) states in part as follows:
>
> Women shall be accorded full and equal dignity of the person with men.

### 3.16.2 Domestic Responsibilities

Women continue to be main caretakers of other family members in a home. Womens role as health care providers has increased in light of increased cases of HIV prevalence. For those employed there is no legal provision for women to take leave so as to caretake the sick.

Government is in the process of reforming the law of Domestic Relations in order to address the status and welfare of women in the family. The Ministry of Women in Development has handed over

a report on its consultations on the Domestic Relations Bill to the Uganda Law Reform commission.
The issues to be addressed by this Bill include but are not limited to:

- Fixing the statutory age of marriage
- Rights of both men and women to equal rights at marriage, within marriage and at its dissolution.

- Freedom of men and women to enter into marriage with partners of their own choice.

- Property rights in marriage and at divorce

- Domestic violence within the family

- Codifying customary marriage and divorce practices to conform to recognized human rights standards.

### 3.16.3 Rights of unmarried cohabiting women

Apart from the general human rights as enshrined in the Constitution, there are no specific rights for unmarried women living in union with their partners. If however there are children in their relationship such women are entitled to custody of children till they are seven years old. In the event of a man's death cohabiting women do not fall in the category of beneficiaries under the law. On the other hand, the relatives of the man deprive the surviving partner of all property.

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